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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FILED-CLERK
U.S. DISTRICT COURT

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TEXAS EASTERN

BY 

T-NETIX, INC.,

Plaintiff,

v.

**GLOBAL TEL*LINK
CORPORATION,**

Defendant.

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Civil Action

No. 2-01 CV 189 DF

Magistrate Judge McKee

Jury Trial Requested

ORDER

On May 29, 2003, held a hearing on the following pending motions:

1. Plaintiff's Motion to Compel Production of Exemplar of LazerPhone
2. Defendant's Motion to Exclude Certain In-House Counsel From The Stipulated Protective Order or to Modify Same
3. Defendant's Motion to Compel Discovery Into T-NETIX' Pre-Litigation Investigation.

Having considered the briefs and the argument of counsel, the Court hereby enters the following rulings:

1. Plaintiff's Motion to Compel Production of Exemplar of LazerPhone is hereby GRANTED. Defendant Global is hereby ORDERED to deliver to counsel for Plaintiff, T-NETIX, an exemplar of the LazerPhone device, together with software and all versions of linecards installed. Delivery shall be completed by June 6, 2003 at the offices of counsel for T-NETIX, or such other place as both parties may agree in advance. Counsel for T-NETIX is hereby ORDERED not to provide access to the LazerPhone to any T-NETIX employees, but it may permit

access to counsel of record, as well as consulting or testifying experts. At the conclusion of this case, including all appeals, the LazerPhone exemplar shall be returned to Global.


2. With regard to Defendant's Motion to Exclude Certain In-House Counsel From The Stipulated Protective Order or to Modify Same, the Court has been advised that the parties have reached compromise as to this motion. Based on the agreement of the parties, the Court hereby modifies the Stipulated Protective Order as follows: Wayne Johnson is no longer permitted access to discovery materials designated Attorneys Only; however, counsel for T-NETIX is permitted to provide Mr. Johnson with summaries of Attorneys Only discovery materials sufficient to allow him to monitor and manage this litigation and evaluate settlement. To the extent that any copies of documents marked Attorneys-Eyes Only, or its equivalent, are currently located at the offices of T-NETIX, they will be removed from T-NETIX' offices and returned to T-NETIX' counsel of record.
3. Defendant's Motion to Compel Discovery Into T-NETIX' Pre-Litigation Investigation is hereby DENIED. The Court finds that the substance of T-NETIX' pre-litigation investigation is protected by attorney-client privilege and work product immunity, and Defendant Global has not made a sufficient showing to pierce the privilege or immunity.

It is ORDERED that Plaintiff's Motion to Compel Production of Exemplar Lazerphone is GRANTED. (Doc. # 158).

It is ORDERED that Defendant's Motion to Exclude Certain In-House Counsel from the Stipulated Protective Order or to Modify Same is DENIED as moot, as the Court has been advised that the parties have reached a compromise to this motion. (Doc. # 168).

It is ORDERED that Defendant's Motion to Compel Discovery into T-Netix' pre-litigation investigation is DENIED. (Doc. # 212).

SIGNED this 9th day of June, 2003.



HARRY W. MCKEE
UNITED STATES MAGISTRATE JUDGE